



DATE: May 10, 2001

STATE MINING & GEOLOGY BOARD

POLICY COMMITTEE REPORT

ITEM 2 -- Adoption of Resolution 01-05 Certifying the Town of Mammoth Lakes Surface Mining and Reclamation Ordinance Number 01-02

COMMITTEE RECOMMENDS: The Committee recommends the Board adopt the Resolution certifying the Town of Mammoth Lakes surface mining and reclamation ordinance is in accordance with SMARA and the Board's policies.

BACKGROUND: On September 18, 2000 the Town of Mammoth Lakes informed the SMGB Office of its desire to adopt surface mining regulations in conformance with the Surface Mining and Reclamation Act of 1975. The Town's proposed ordinance was reviewed by the SMGB Office on October 5, 2000 and comments returned to the Town. On December 26, 2000 the Town incorporated the SMGB staff comments into the proposed ordinance. The proposed ordinance was reviewed by the Policy Committee at its regularly scheduled business meeting on February 8, 2000. On April 11, 2001 the Town adopted Ordinance Number 01-02.

When draft ordinances are received for review, they are examined for: **Content, Clarity, and Conflict.** The review is conducted by the Executive Officer, one or more administrative and/or technical analysts from the Office of Mine Reclamation, and the SMGB's legal counsel. If necessary, additional technical and legal advice may be sought from the Division of Mines & Geology, or from the Attorney General's Office.

Content: The ordinance is examined to determine if all the areas in SMARA that are required to be addressed in the ordinance are contained within the ordinance.

Clarity: The contents of the ordinance are examined to determine if they are clearly stated, or might be construed in more than one way, which might lead to later confusion.

Conflict: The contents are examined to determine that they are not in conflict with statute, nor are they internally in conflict with other portions of the ordinance.

COMMITTEE REPORT

The Staff Review offers two types of review comments: **Recommendations** and **Suggestions**. These comments are not binding, and are offered as a constructive service.

Recommendations are comments that should be followed if the ordinance is to be certified by the SMGB. These recommendations relate to serious omissions in content or statements in conflict with SMARA or the SMGB's Regulations.

Suggestions are comments that are made to improve the clarity of statements, usually by making them more complete or by offering references.

COMMITTEE RECOMMENDATION: The Committee's review finds that the proposed ordinance is in accordance with the requirements of the Surface Mining and Reclamation Act of 1975 and the Board's Policies, and recommends that the ordinance be certified by the full SMGB following local adoption by the Town.